

Calendar No. 301

114TH CONGRESS
1ST SESSION

S. 2329

To prevent the entry of extremists into the United States under the refugee program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2015

Mr. PAUL introduced the following bill; which was read the first time

NOVEMBER 30, 2015

Read the second time and placed on the calendar

A BILL

To prevent the entry of extremists into the United States under the refugee program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Stop Extremists Com-
5 ing Under Refugee Entry Act” or the “SECURE Act”.

6 SEC. 2. ENHANCED REFUGEE SECURITY SCREENING.

7 (a) REGISTRATION.—The Secretary of Homeland Se-
8 curity shall notify each alien admitted as a refugee under

1 section 207 of the Immigration and Nationality Act (8
2 U.S.C. 1157) or granted asylum under section 208 of such
3 Act (8 U.S.C. 1158) that the alien, not later than 30 days
4 after the date of the enactment of this Act—

5 (1) shall register with the Department of
6 Homeland Security as part of the enhanced screen-
7 ing process described in section 3; and

8 (2) shall be interviewed and fingerprinted by an
9 official of the Department of Homeland Security.

10 (b) BACKGROUND CHECK.—The Secretary of Home-
11 land Security shall screen and perform a security review
12 on all individuals seeking asylum or refugee status under
13 section 207 or 208 of the Immigration and Nationality
14 Act to ensure that such individuals do not present a na-
15 tional security risk to the United States.

16 (c) MONITORING.—The Secretary of Homeland Secu-
17 rity shall monitor individuals granted asylum or admitted
18 as refugees for indications of terrorism.

19 (d) REPORTS AND CERTIFICATIONS.—

20 (1) ANNUAL SCREENING EFFECTIVENESS RE-
21 PORTS.—Not later than 25 days after the date of
22 the enactment of this Act, and annually thereafter,
23 the Secretary of Homeland Security shall submit a
24 report to Congress that—

1 (A) describes the effectiveness with which
2 the Department is screening applicants for asy-
3 lum and refugee status;

4 (B) identifies the number of aliens seeking
5 asylum or refugee status who were screened
6 and registered during the past fiscal year, bro-
7 ken down by country of origin;

8 (C) identifies the number of unfinished or
9 unresolved security screenings for aliens de-
10 scribed in subparagraph (B);

11 (D) identifies the number of refugees ad-
12 mitted to the United States under section 207
13 or 208 of the Immigration and Nationality Act
14 who—

15 (i) have not yet participated in the en-
16 hanced screening process required under
17 section 3(a); or

18 (ii) have not been notified by the Sec-
19 retary pursuant to subsection (a);

20 (E) identifies the number of aliens seeking
21 asylum or refugee status who were deported as
22 a result of information gathered during inter-
23 views and background checks conducted pursu-
24 ant to subsections (a)(2) and (b), broken down
25 by country of origin; and

(F) indicates whether the enhanced screening process has been implemented in a manner that is overbroad or results in the deportation of individuals who pose no reasonable national security threat.

(2) CERTIFICATION AND NATIONAL SECURITY REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall certify to Congress that—

(A) the requirements described in subsections (a) through (c) have been completed;

(B) the report required under paragraph

(1) was timely submitted; and

(C) all necessary steps have been taken to

improve the refugee screening process to prevent terrorists from threatening national security by gaining admission to the United States by claiming refugee or asylee status and refugee status.

(e) TEMPORARY MORATORIUM ON REFUGEE ADMIS-
N.—

(1) IN GENERAL.—The Secretary of State may approve an application for refugee status under section 207 of the Immigration and Nationality Act (U.S.C. 1157) and the Secretary of Homeland Se-

1 curity may not approve an application for asylum
2 under section 208 of such Act (8 U.S.C. 1158) to
3 any national of a high-risk country.

4 (2) HIGH-RISK COUNTRY.—In this subsection,
5 the term “high-risk country” means any of the fol-
6 lowing countries or territories:

- 7 (A) Afghanistan.
- 8 (B) Algeria.
- 9 (C) Bahrain.
- 10 (D) Bangladesh.
- 11 (E) Egypt.
- 12 (F) Eritrea.
- 13 (G) Indonesia.
- 14 (H) Iran.
- 15 (I) Iraq.
- 16 (J) Jordan.
- 17 (K) Kazakhstan.
- 18 (L) Kuwait.
- 19 (M) Kyrgyzstan.
- 20 (N) Lebanon.
- 21 (O) Libya.
- 22 (P) Mali.
- 23 (Q) Morocco.
- 24 (R) Nigeria.
- 25 (S) North Korea.

1 ready approved, or pending approval, has been
2 eliminated; and

3 (2) Congress enacts a law to reinstate, based
4 upon the information provided, the approval of ap-
5 plications for refugee or asylee status.

6 **SEC. 3. ADDITIONAL WAITING PERIODS AND SECURITY**

7 **SCREENINGS FOR NEW VISA APPLICANTS.**

8 (a) ENHANCED SECURITY SCREENINGS.—The Sec-
9 retary of Homeland Security, in cooperation with the Sec-
10 retary of State, shall ensure that a new application for
11 a visa to enter the United States is not approved until—
12 (1) at least 30 days after such application is
13 submitted; and

14 (2) after the completion of an enhanced security
15 screening with respect to the applicant.

16 (b) VISA WAIVER PROGRAM COUNTRIES.—Unless
17 otherwise permitted under this Act, the Secretary of
18 Homeland Security, in cooperation with the Secretary of
19 State, shall ensure that no alien enters the United States
20 until after 30 days of security assessments have been con-
21 ducted on such alien, regardless of whether the alien's
22 country of origin is participating in the Visa Waiver Pro-
23 gram established under section 217 of the Immigration
24 and Nationality Act (8 U.S.C. 1187).

25 (c) TRUSTED TRAVELER EXCEPTION.—

1 (1) IN GENERAL.—Notwithstanding subsections
2 (a) and (b) or section 4(a), the Secretary of Home-
3 land Security shall accept applications, and may ap-
4 prove qualified applicants, for enrollment in the
5 Global Entry trusted traveler program described in
6 section 235.12 of title 8, Code of Federal Regula-
7 tions, regardless of the nationality or country of ha-
8 bital residence of the applicant.

9 (2) PRIORITY.—In review applications for en-
10 rollment in the Global Entry trusted traveler pro-
11 gram, the Secretary shall assign priority status in
12 the following order:

13 (A) United States citizens.

14 (B) United States legal permanent resi-
15 dents.

16 (C) Citizens of any country that is des-
17 ignated as a Visa Waiver Program country
18 under section 217(c) of the Immigration and
19 Nationality Act (8 U.S.C. 1187(c)).

20 (D) Aliens that have a documented fre-
21 quent travel history to and from the United
22 States.

23 (E) Applicants not described in subpara-
24 graphs (A) through (D).

1 (3) USE OF FEES.—Fees collected from appli-
2 cants for the Global Entry trusted traveler program
3 shall be used to pay for the cost of enhanced screen-
4 ing required under this Act.

5 (4) RULE OF CONSTRUCTION.—Nothing in this
6 Act may be construed as requiring the Secretary of
7 Homeland Security to approve an unqualified or
8 high-risk applicant for enrollment in the Global
9 Entry trusted traveler program.

10 **SEC. 4. ENHANCED SECURITY SCREENING FOR HIGHER-**
11 **RISK VISA APPLICANTS.**

12 (a) MORATORIUM ON HIGH-RISK VISAS.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the Secretary of Homeland Security may
15 not approve any application for entry to the United
16 States from an alien who is a national of, or who is
17 applying from, a high-risk country (as defined in
18 section 2(e)) until after—

19 (A) the completion of the congressional re-
20 view process described in subsection (b); and

21 (B) the enactment of a law that authorizes
22 the termination of the visa moratorium under
23 this subsection.

24 (2) EXCEPTION.—The visa moratorium under
25 paragraph (1) shall not apply to individuals who are

1 enrolled in the Global Entry trusted traveler pro-
2 gram.

3 (b) CONGRESSIONAL REVIEW OF SCREENING POLI-
4 CIES.—

5 (1) CERTIFICATION.—The Secretary of Home-
6 land Security, the Secretary of State, and the Direc-
7 tor of National Intelligence shall jointly submit a re-
8 port to Congress certifying that—

9 (A) a national security screening process
10 has been established and implemented that sig-
11 nificantly improves the Federal Government's
12 ability to identify security risks posed by aliens
13 from high-risk countries who—

14 (i) seek to travel to the United States;
15 or

16 (ii) have been approved for entry to
17 the United States;

18 (B) the process identified in subparagraph
19 (A) requires a 30-day security assessment for
20 each applicant from high-risk countries;

21 (C) the national security screening process
22 for aliens from high-risk countries will be used
23 to assess the risk posed by applicants from such
24 countries, including a description of such proc-
25 ess;

1 (D) the screening process identified in sub-
2 paragraph (A) will be used to assess national
3 security risks posed by aliens who are already
4 in the United States or have been approved to
5 enter the United States;

6 (E) the complete biometric entry-exit con-
7 trol system required under section 110 of the
8 Illegal Immigration Reform and Immigrant Re-
9 sponsibility Act of 1996 (division C of Public
10 Law 104–208; 8 U.S.C. 1221 note) has been
11 fully implemented;

12 (F) all necessary steps have been taken to
13 prevent the national security vulnerability of al-
14 lowing individuals to overstay a temporary legal
15 status in the United States; and

16 (G) a policy has been implemented to re-
17 move aliens that are identified as having over-
18 stayed their period of lawful presence in the
19 United States.

20 (2) CONDITIONS FOR RESUMPTION OF APPROV-
21 ALS.—After the certifications required under para-
22 graph (A) have been made, Congress may enact a
23 law, based on the information provided, to lift the
24 moratorium described in subsection (a).

1 **SEC. 5. ONE HUNDRED PERCENT EXIT TRACKING FOR ALL**2 **UNITED STATES VISITORS.**

3 (a) RECORDING EXITS AND CORRELATION TO ENTRY

4 DATA.—The Secretary of Homeland Security shall integrate the records collected through the automated entry-exit control system referred to in section 4(b)(1)(E) into an interoperable data system and any other database necessary to correlate an alien's entry and exit data.

9 (b) PROCESSING OF RECORDS.—Before the departure of outbound aliens at each point of entry, the Sec-

10 retary shall provide for cross-reference capability between databases designated by the Secretary under subsection (a) to determine and record whether an outbound alien has been in the United States without lawful immigration status.

16 (c) RECORDS INCLUSION REQUIREMENTS.—The Sec-

17 retary shall maintain readily accessible entry-exit data records for immigration and other law enforcement and improve immigration control and enforcement by including information necessary to determine whether an outbound alien without lawful presence in the United States entered the country through—

- 23 (1) unauthorized entry between points of entry;
- 24 (2) visa or other temporary authorized status;
- 25 (3) fraudulent travel documents;
- 26 (4) misrepresentation of identity; or

1 (5) any other method of entry.

2 (d) PROHIBITION ON COLLECTING EXIT RECORDS
3 FOR UNITED STATES CITIZENS AT LAND POINTS OF
4 ENTRY.—

5 (1) PROHIBITION.—While documenting the de-
6 parture of outbound individuals at each land point
7 of entry along the Southern or Northern border, the
8 Secretary may not—

9 (A) process travel documents of United
10 States citizens;

11 (B) log, store, or transfer exit data for
12 United States citizens;

13 (C) create, maintain, operate, access, or
14 support any database containing information
15 collected through outbound processing at a
16 point of entry that contains records identifiable
17 to an individual United States citizen.

18 (2) EXCEPTION.—The prohibition set forth in
19 paragraph (1) does not apply to the records of an
20 individual if an officer processing travel documenta-
21 tion in the outbound lanes at a point of entry along
22 the Southern or Northern border—

23 (A) has a strong suspicion that the indi-
24 vidual has engaged in criminal or other prohib-
25 ited activities; or

1 (B) needs to verify an individual's identity
2 because the individual is attempting to exit the
3 United States without travel documentation.

4 (3) VERIFICATION OF TRAVEL DOCUMENTS.—
5 Subject to the prohibition set forth in paragraph (1),
6 the Secretary may provide for the confirmation of a
7 United States citizen's travel documentation validity
8 in the outbound lanes at a point of entry along the
9 Southern border.

10 (e) REPORT ON INFRASTRUCTURE REQUIREMENTS
11 TO CARRY OUT 100 PERCENT LAND EXIT TRACKING.—

12 Not later than 60 days after the date of the enactment
13 of this Act, the Secretary shall submit a report to the
14 Committee on Homeland Security and Governmental Af-
15 fairs of the Senate and the Committee on Homeland Secu-
16 rity of the House of Representatives that assesses the in-
17 frastructure needs for each point of entry along the South-
18 ern border to fulfill the requirements under this section,
19 including—

20 (1) a description of anticipated infrastructure
21 needs within each point of entry;

22 (2) a description of anticipated infrastructure
23 needs adjacent to each point of entry;

24 (3) an assessment of the availability of sec-
25 ondary inspection areas at each point of entry;

1 (4) an assessment of space available at or adja-
2 cent to a point of entry to perform processing of
3 outbound aliens;

4 (5) an assessment of the infrastructure de-
5 mands relative to the volume of outbound crossings
6 for each point of entry; and

7 (6) anticipated wait times for outbound individ-
8 uals during processing of travel documents at each
9 point of entry, relative to possible improvements at
10 the point of entry.

11 (f) LIMITATIONS ON OUTBOUND SECONDARY IN-
12 SPECTIONS.—The Secretary may not designate an out-
13 bound United States citizen for secondary inspection or
14 collect biometric information from a United States citizen
15 under outbound inspection procedures unless criminal or
16 other prohibited activity has been detected or is strongly
17 suspected.

18 (g) OUTBOUND PROCESSING OF PERSONS IN THE
19 UNITED STATES WITHOUT LAWFUL PRESENCE.—

20 (1) PROCESS FOR RECORDING UNLAWFUL
21 PRESENCE.—If the Secretary determines, at a point
22 of entry along the Southern border, that an out-
23 bound alien has been in the United States without
24 lawful presence, the Secretary shall—

1 (A) collect and record biometric data from
2 the individual;

3 (B) combine data related to the individ-
4 ual's unlawful presence with any other informa-
5 tion related to the individual in the interoper-
6 able database, in accordance with paragraphs
7 (4) and (5) of subsection (b); and

8 (C) except as provided in subparagraph
9 (B), permit the individual to exit the United
10 States.

11 (2) EXCEPTION.—An individual shall not be
12 permitted to leave the United States if, during out-
13 bound inspection, the Secretary detects previous un-
14 resolved criminal activity by the individual.

15 (h) RULE OF CONSTRUCTION.—Nothing in this Act,
16 or amendments made by this Act, may be construed as
17 replacing or repealing the requirements for biometric
18 entry-exit capture required under section 110 of the Illegal
19 Immigration Reform and Immigrant Responsibility Act of
20 1996 (division C of Public Law 104–208; 8 U.S.C. 1221
21 note).

22 **SEC. 6. REQUIREMENTS TO ENSURE LEGAL VOTING.**

23 (a) RESTRICTIONS.—

24 (1) AFFIDAVIT REQUIRED.—Any individual in
25 asylum status, refugee status, legal permanent resi-

1 dent status, or any other permanent or temporary
2 visa status who intends to remain in the United
3 States in such status for longer than 6 months shall
4 submit to the Secretary, during the period specified
5 by the Secretary, a signed affidavit that states that
6 the alien—

7 (A) has not cast a ballot in any Federal
8 election in the United States; and

9 (B) will not register to vote, or cast a bal-
10 lot, in any Federal election in the United States
11 while in such status.

12 (2) PENALTY.—If an alien described in para-
13 graph (1) fails to timely submit the affidavit de-
14 scribed in paragraph (1) or violates any term of
15 such affidavit—

16 (A) the Secretary shall immediately—

17 (i) revoke the legal status of such
18 alien; and

19 (ii) deport the alien to the country
20 from which he or she originated; and

21 (B) the alien will be permanently ineligible
22 for United States citizenship.

23 (3) BARS TO LEGAL STATUS.—Any individual
24 in asylum status, refugee status, legal permanent
25 resident status, or any other permanent or tem-

1 temporary visa status who illegally registers to vote or
2 who votes in any Federal election after receiving
3 such status or visa—

(B) if such individual has already been granted permanent residence, shall lose such status and be subject to deportation pursuant to section 237(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(6)).

11 (b) RESPONSIBILITIES OF THE SECRETARY OF
12 HOMELAND SECURITY.—

(2) VERIFICATION OF CITIZENSHIP.—The Secretary shall provide the election director of each State, and such local election officials as may be designated by such State directors, with access to relevant databases containing information about aliens

1 who have been granted asylum, refugee status, or
2 any other permanent or temporary visa status au-
3 thorized under the Immigration and Nationality Act
4 or by executive action, for the sole purpose of
5 verifying the citizenship status of registered voters
6 and all individuals applying to register to vote.

7 (3) ANNUAL REPORT.—The Secretary shall
8 submit an annual report to Congress that identifies
9 all jurisdictions in the United States that have reg-
10 istered individuals who are not United States citi-
11 zens to vote in a Federal election.

12 (c) RESPONSIBILITIES OF STATES.—

13 (1) PROOF OF CITIZENSHIP.—Notwithstanding
14 the Voting Rights Act of 1965 (52 U.S.C. 10301 et
15 seq.), the National Voter Registration Act of 1993
16 (52 U.S.C. 20501 et seq.), and any other Federal
17 law, all States and local governments—

18 (A) shall require individuals registering to
19 vote in Federal elections to provide adequate
20 proof of citizenship;

21 (B) may not accept an affirmation of citi-
22 zenship as adequate proof of citizenship for
23 voter registration purposes; and

24 (C) may require identification information
25 from all such voter registration applicants.

1 (2) COOPERATION WITH DEPARTMENT OF
2 HOMELAND SECURITY.—All States and local govern-
3 ments shall provide the Department of Homeland
4 Security with the registration and voting history of
5 any alien seeking registered provisional status, natu-
6 ralization, or any other immigration benefit, upon
7 the request of the Secretary.

8 (3) CONSEQUENCE OF NONCOMPLIANCE.—

9 (A) FIRST YEAR.—If any State is not in
10 compliance with the proof of citizenship require-
11 ments set forth in paragraph (1) on or before
12 the date that is 1 year after the date of the en-
13 actment of this Act, the Secretary of Transpor-
14 tation shall reduce the apportionment calculated
15 under section 104(c) of title 23, United States
16 Code, for that State for the following fiscal year
17 by 10 percent.

18 (B) SUBSEQUENT YEARS.—For each sub-
19 sequent year in which any State is not in com-
20 pliance with the proof of citizenship require-
21 ments set forth in paragraph (1), the Secretary
22 of Transportation shall reduce the apportion-
23 ment calculated under section 104(c) of title
24 23, United States Code, for that State for the

1 following fiscal year by an additional 10 per-
2 cent.

3 **SEC. 7. SECURE THE TREASURY.**

4 (a) NO WELFARE FOR REFUGEES OR ASYLEES BE-
5 GINNING 1 YEAR AFTER DATE OF ADMISSION.—Notwith-
6 standing any other provision of law, an alien admitted to
7 the United States as a refugee under section 207 of the
8 Immigration and Nationality Act (8 U.S.C. 1157) or
9 granted asylum under section 208 of such Act (8 U.S.C.
10 1158), beginning 1 year after the date of such admis-
11 sion—

12 (1) is not be eligible for any assistance or bene-
13 fits described in subsection (c); and

14 (2) may not claim the earned income tax credit
15 under section 32 of the Internal Revenue Code of
16 1986.

17 (b) NO CITIZENSHIP FOR ALIENS WHO APPLY FOR
18 AND RECEIVE WELFARE.—Any alien granted refugee sta-
19 tus or asylee admission to the United States under a per-
20 manent or temporary visa, and who is prohibited under
21 subsection (a) from applying for, or receiving, assistance
22 or benefits described in subsection (c) or from claiming
23 the earned income tax credit under section 32 of the Inter-
24 nal Revenue Code of 1986, or any other credit allowed
25 by subpart C of part IV of subchapter A of chapter 1 of

1 such Code shall be permanently prohibited from becoming
2 naturalized as a citizen of the United States if the alien—

3 (1) applies for and receives any such assistance

4 or benefits; or

5 (2) claims and is allowed any such credit.

6 (c) FEDERAL MEANS-TESTED BENEFIT PRO-

7 GRAMS.—The Federal means-tested benefit programs list-

8 ed in this paragraph are—

9 (1) the temporary assistance for needy families

10 program under part A of title IV of the Social Secu-

11 rity Act (42 U.S.C. 601 et seq.)

12 (2) the Medicaid program under title XIX of

13 the Social Security Act (42 U.S.C. 1396 et seq.);

14 (3) the State children's health insurance pro-

15 gram authorized under title XXI of the Social Secu-

16 rity Act (42 U.S.C. 1397aa et seq.);

17 (4) the supplemental nutrition assistance pro-

18 gram established under the Food and Nutrition Act

19 of 2008 (7 U.S.C. 2011 et seq.); and

20 (5) the program of block grants to States for

21 social services under subtitle A of title XX of the So-

22 cial Security Act (42 U.S.C. 1397 et seq.).

23 (d) VERIFICATION PROCEDURES.—In order to com-

24 ply with the limitation under subsection (a)—

1 (1) proof of citizenship shall be required as a
2 condition for receipt of assistance or benefits under
3 the Federal means-tested benefit programs listed in
4 subsection (c);

5 (2) proof of citizenship shall be verified as a
6 condition for receiving assistance or benefits under
7 the Federal means-tested benefit programs listed in
8 subsection (c), including by using the Systematic
9 Alien Verification for Entitlements Program of the
10 U.S. Citizenship and Immigration Services to con-
11 firm that an individual who has presented proof of
12 citizenship as a condition for receipt of assistance or
13 benefits under any such program is not an alien;
14 and

15 (3) officers and employees of State agencies
16 that administer a Federal means-tested benefit pro-
17 gram listed in subsection (c) shall report to any sus-
18 picious or fraudulent identity information provided
19 by an individual applying for assistance or benefits
20 to the Secretary of Homeland Security.

21 (e) NONAPPLICATION OF THE PRIVACY ACT.—Not-
22 withstanding any other provision of law, section 552a of
23 title 5, United States Code (commonly referred to as the
24 “Privacy Act”) may not be construed as prohibiting an
25 officer or employee of a State from verifying a claim of

- 1 citizenship for purposes of eligibility for assistance or ben-
- 2 efits under a Federal means-tested benefit program listed
- 3 in subsection (c).

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A BILL

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